UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,005	09/12/2001	Robert W. Baynes JR.	1933.0050001	9238

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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2441	

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10/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/950,005	BAYNES ET AL.
		Examiner	Art Unit	
		KRISTIE D. SHINGLES	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 September 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>See Continuation Sheet</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,14,16,18,20,21,23-26,30-32,34,35,37,38,40,41,43,44,46,47 and 49-86</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/2008</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,14,16,18,20,21,23-26,30-32,34,35,37,38,40,41,43,44,46,47 and 49-86.

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DETAILED ACTION

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Response to Amendments

Claims 1, 14, 16, 18, 21, 30 and 49-54 have been amended.

Claims 2-13, 15, 17, 19, 22, 27-29, 33, 36, 39, 42, 45 and 48 have been cancelled.

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Claims 1, 14, 16, 18, 20-21, 23-26, 30-32, 34-35, 37-38, 40-41, 43-44, 46-47 and 49-86 are pending.

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Response to Arguments

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I.   Applicant's arguments with respect to claims 1, 14, 16, 18, 21, 30 and 49-54 have been considered but are moot in view of the new ground(s) of rejection.

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Claim Rejections - 35 USC § 112

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II.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

III.   **Claims 1, 14, 16, 18, 21, 30 and 49-54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.**

The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claim amendment added to independent claims 1, 14, 16, 18, 21, 30 and 49-54: "wherein differences between the first information and the second information are not

maintained by the first/second device" is a negative limitation that lacks support in Applicant's

specification. MPEP § 2173.05(i) states that, "[A]ny negative limitation or exclusionary proviso

must have basis in the original disclosure" (emphasis added). The dependent claims of the above

claims therefore inherit the rejection of the parent claims. Correction is required.

Claim Rejections - 35 USC § 102

IV.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

V.   **Claims 1, 14, 16, 18, 20-21, 23-26, 30-32, 34-35, 37-38, 40-41, 43-44, 46-47 and 49-86
        are rejected under 35 U.S.C. 102(e) as being anticipated by *Multer et al* (US
        6,694,336).**

        a.   **Per claims 1 and 30 (differ only by statutory class)**, *Multer et al* teach a method

for delivering information from a first device to a second device, comprising the steps of:

                (1) generating an event representative of a modification to a first data object,
                    wherein the first device stores the first data object in a first representation,
                    wherein after the modification the first data object includes first information
                    (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59,
                    col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization
                    server stores differencing information for the networked devices in a universal
                    record format*); and

(2) delivering said event to the second device wherein the second device stores a
second data object including second information (*col.9 lines 10-20, col.38 line
48-col.39 line 9*),
comprising one or more step (a)-(c):

      (a) pushing said event to the second device (*col.9 lines 10-20, col.38
line 48-col.39 line 9*);

      (b) transferring said event to the second device during a sync operation
(*col.7 lines 30-67, col.10 lines 43-55, col.12 lines 45-57*); and

      (c) transferring said event to the second device in response to a request
from said second device while said second device is being used to
surf a network (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines
11-47*);

wherein said event is processed on the second device to recover the
modification, wherein the second device stores the second data object in a
second representation, wherein the second representation differs from the first
representation, wherein the second device updates the second data object
based on the recovered modification, and wherein differences between the
first information and second information are not maintained by the first device
(*col.5 line 56-col.6 line 32, col.11 lines 11-20, col.12 lines 12-15, col.13 lines
41-56—difference information is processed and translated to the proper
format to update the device, application object store for temporary storage for
foreign device synchronization data without maintaining foreign device data
on first device*).

b.   **Per claims 14 and 49 (differ only by statutory class),** *Multer et al* teach a

method for delivering information from a first device to a second device, comprising the steps of:

(1) generating an event representative of a modification to a first data object,
wherein the first device stores the first data object in a first representation,
wherein after the modification the first data object includes first information
(*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59,
col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization
server stores differencing information for the networked devices in a universal
record format*);

(2) delivering said event to the second device, wherein the second device stores a second data object including second information, comprising the step of pushing said event to the second device (*col.9 lines 10-20, col.38 line 48-col.39 line 9*);

wherein said event is processed on the second device to recover the modification, wherein the second device stores the second data object in a second representation, wherein the second representation differs from the first representation, wherein the second device updates the second data object based on the recovered modification, and wherein differences between the first information and the second information are not maintained by the first device (*col.5 line 56-col.6 line 32, col.11 lines 11-20, col.12 lines 12-15, col.13 lines 41-56—difference information is processed and translated to the proper format to update the device, application object store for temporary storage for foreign device synchronization data without maintaining foreign device data on first device*).

c.   **Per claims 16 and 50 (differ only by statutory class)**, *Multer et al* teach a method for delivering information from a first device to a second device, comprising the steps of:

(1) generating an event representative of a modification to a first data object, wherein the first device stores the first data object in a first representation, wherein after the modification the first data object includes first information (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*);

(2) delivering said event to the second device wherein the second device stores a second data object including second information, comprising the step of transferring said event to the second device during a sync operation (*col.7 lines 30-67, col.10 lines 43-55, col.12 lines 45-57*);

wherein step (2) further comprises:

(i) accessing providers for information using state information maintained on behalf of said second device, (*col.7 line 48-col.8 line 14, col.10 lines 32-64*);

(ii) receiving said information from said providers, wherein said information comprises said event (*col.10 lines 32-64, col.13 line 32-col.14 line 53*); and

    (iii) sending said information to said second device in a form of the event,
      wherein the event is representative of a change in information contained
      within the data object since a previous event (*col.12 lines 39-57, col.15
      lines 14-25, col.36 line 32-col.37 line 7*);

      wherein said event is processed on the second device to recover the
      modification, wherein the second device stores the second data object in a
      second representation, wherein the second representation differs from the
      first representation, wherein the second device updates the second data
      object based on the recovered modification, and wherein differences
      between the first information and the second information are not
      maintained by the first device (*col.5 line 56-col.6 line 32, col.11 lines 11-
      20, col.12 lines 12-15, col.13 lines 41-56—difference information is
      processed and translated to the proper format to update the device,
      application object store for temporary storage for foreign device
      synchronization data without maintaining foreign device data on first
      device*).

  d. **Per claims 18 and 51 (differ only by statutory class),** *Multer et al* teach a

method for delivering information from a first device to a second device, comprising the steps of:

    (1) generating an event representative of a modification to a first data object,
      wherein the first device stores the first data object in a first representation,
      wherein after the modification the first data object includes first information
      (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59,
      col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization
      server stores differencing information for the networked devices in a universal
      record format*);

    (2) delivering said event to the second device, wherein the second device stores a
      second data object including second information comprising the step of
      transferring said event to the second device in response to a request from said
      second device while said second device is being used to surf a network (*col.8
      lines 22-28, col.34 lines 22-35, col.36 lines 11-47*);

    wherein step (2) further comprises:

    (i) accessing providers for information using state information maintained on
      behalf of said second device (*col.7 line 48-col.8 line 14, col.10 lines 32-
      64*);

               (ii) receiving said information from said providers, wherein said information comprises said data object (*col.10 lines 32-64, col.13 line 32-col.14 line 53*);

               (iii) sending said information to said second device in a form of the event, wherein the event is representative of a change in information contained within the data object since a previous event (*col.12 lines 39-57, col.15 lines 14-25, col.36 line 32-col.37 line 7*);

               wherein said event is processed on the second device to recover the modification, wherein the second device stores the second data object in a second representation, wherein the second representation differs from the first representation, wherein the second device updates the second data object based on the recovered modification, and wherein differences between the first information and the second information are not maintained by the first device (*col.5 line 56-col.6 line 32, col.11 lines 11-20, col.12 lines 12-15, col.13 lines 41-56—difference information is processed and translated to the proper format to update the device, application object store for temporary storage for foreign device synchronization data without maintaining foreign device data on first device*).

      e.   **Claims 52-54** are in substantially similar to the limitations of claims 1, 14 and 16 and are therefore rejected under the same basis.

      f.   **Per claim 21,** *Multer et al* teach a method for delivering information from a first device to a second device, comprising the steps of:

               (1) generating one or more modification events representative of a modification made to a data object, wherein after the modification the first data object includes first information (*col.3 lines 26-62, col.6 lines 36-44, col.12 lines 12-15, col.14 lines 48-59, col.16 lines 30-43, col.27 line 46-col.28 line 9—storage and synchronization server stores differencing information for the networked devices in a universal record format*); and

(2) forwarding said modification events to a second device identified as a recipient of said events, wherein the second device stores a second data object including second information (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*), wherein said second device processes said events to recover the modification, wherein the second device stores the second data object in a second representation, wherein the second representation differs from the first representation, wherein the second device updates the second data object based on the recovered modification, and wherein differences between the first information and the second information are not maintained by the first device (*col.5 line 56-col.6 line 32, col.11 lines 11-20, col.12 lines 12-15, col.13 lines 41-56—difference information is processed and translated to the proper format to update the device, application object store for temporary storage for foreign device synchronization data without maintaining foreign device data on first device*).

g.   **Per claim 20,** *Multer et al* teach the method of claim 18, wherein said event is associated with said request from said second device while said second device is being used to surf a network (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*).

h.   **Per claim 23,** *Multer et al* teach the method of claim 21, wherein step (2) is performed during a push operation (*col.9 lines 10-20, col.38 line 48-col.39 line 9*).

i.   **Per claim 24,** *Multer et al* teach the method of claim 21, wherein step (2) is performed during a sync operation (*col.7 lines 30-67, col.10 lines 43-55, col.12 lines 45-57*).

j.   **Per claim 25,** *Multer et al* teach the method of claim 21, wherein step (2) is performed during a surf operation (*col.8 lines 22-28, col.34 lines 22-35, col.36 lines 11-47*).

k.   **Claim 26** is substantially equivalent to claims 23-25 and is therefore rejected under the same basis.

l.   **Per claim 31,** *Multer et al* teach the method of claim 1, wherein the second device is a data processing device (*col.5 lines 44-55, col.6 lines 23-24, col.7 lines 48-67*).

m.   **Claims 34, 37, 40, 43 and 46** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

n.   **Per claim 32,** *Multer et al* teach the method of claim 1, wherein the device is a data communications device (*col.5 lines 44-55, col.6 lines 23-24, col.7 lines 48-67*).

o.   **Claims 35, 38, 41, 44 and 47** are substantially equivalent to claim 32 and are therefore rejected under the same basis.

p.   **Per claim 55,** *Multer et al* teach the method of claim 1, wherein the first representation and the second representation are platform specific or device specific (*col.3 lines 51-59, col.11 lines 41-57, col.14 lines 54-59, col.16 lines 30-42, col.27 lines 55-64*).

q.   **Claims 63, 69, 75 and 81** are substantially equivalent to claim 55 and are therefore rejected under the same basis.

r.   **Per claim 56,** *Multer et al* teach the method of claim 1, wherein the first representation and the second representation are format specific or standard specific (*col.3 lines 51-59, col.11 lines 41-57, col.14 lines 54-59, col.16 lines 30-42, col.27 lines 55-64*).

s.   **Claims 64, 70, 76 and 82** are substantially equivalent to claim 56 and are therefore rejected under the same basis.

t.   **Per claim 57,** *Multer et al* teach the method of claim 1, wherein the event is an email (*col.5 lines 31-34*).

u.   **Claims 65, 71, 77 and 83** are substantially equivalent to claim 57 and are therefore rejected under the same basis.

v.   **Per claim 58,** *Multer et al* teach the method of claim 57, wherein an attachment of the email is configured to be parsed to recover the modification (col.39 lines 44-58).

w.   **Claims 66, 72, 78 and 84** are substantially equivalent to claim 58 and are therefore rejected under the same basis.

      x.   **Per claim 59,** *Multer et al* teach the method of claim 57, wherein a body of the

email is configured to be parsed to recover the modification (*col.5 lines 31-34*).

      y.   **Claims 67, 73, 79 and 85** are substantially equivalent to claim 59 and are

therefore rejected under the same basis.

      z.   **Per claim 60,** *Multer et al* teach the method of claim 57, wherein the email is

configured to be recognized as an event (*col.5 lines 31-34*).

      aa.   **Claims 68, 74, 80 and 86** are substantially equivalent to claim 60 and are

therefore rejected under the same basis.

      bb.   **Per claim 61,** *Multer et al* teach the method of claim 1, wherein step (2)(b)

comprises: transferring a plurality of events to the second device (*col.34 lines 22-27*).

      cc.   **Per claim 62,** *Multer et al* teach the method of claim 1, wherein step (2)(b)

comprises: transferring the event to the second device in response to the second device being

connected to a network (*col.36 lines 21-47*).

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Conclusion

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VI.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure: Burkey et al (6845370), Moon et al (6898591), Woodard et al (7032011).

Examiner's Note: Examiner has cited particular columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner. Should Applicant amend the claims of the claimed invention, it is respectfully requested that Applicant clearly indicate the portion(s) of Applicant's specification that support the amended claim language for ascertaining the metes and bounds of Applicant's claimed invention.

VII.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is (571)272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
Examiner
Art Unit 2441

/KDS/
/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444